UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,945	09/20/2001	Toru Kamiwada	1405.1049	9962

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EXAMINER
DINH, MINH

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 September 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9 and 11-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9 and 11-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 September 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is in response to the amendment filed 09/25/06. Claims 1,

11-12, 18 and 22-23 been amended.

Response to Arguments

2.   Applicant's arguments filed 09/25/06 with respect to the rejection of

claim 18 have been fully considered but they are not persuasive. Applicant

argues that Holmes (5,875,395) does not teach a single terminal

transmitting instruction signals relating to operations of one or more of said

plurality of different types of devices to said plurality of devices, and wherein

both the terminal and the plurality of devices are on the home network

(page 10, 2nd full paragraph). Holmes discloses a single terminal (fig. 2,

element 10) transmitting instruction signals relating to operations of one or

more of said plurality of different types of devices to said plurality of devices

(fig. 2, element 26; col. 3, lines 18-36; col. 5, lines 12-29). In response to

applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies

(i.e., both the terminal and the plurality of devices are on the home

network) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1, 9, 11 and 22-23 are rejected under 35 U.S.C. 102(b) as

being anticipated by Holmes (5,875,395). Regarding claim 1, which is

exemplary of claims 9, 11 and 23, Holmes discloses an access restriction

method for a device control system comprising a device control server

interconnected over a CEBus home network with a plurality of different types

of devices within a home (fig. 1, elements 12, 26 and corresponding text;

col. 3, lines 38-50), and an operating terminal capable of transmission of

instruction signals to said devices, the instruction signals relating to

operation of plurality of devices connected to the CEBus home network (fig.

1, elements 10, 24), said method comprising: accepting instruction

information including said operating terminal identifier and said instruction

signals relating to operation of said plurality of devices (fig. 5, step 52);

determining said operating terminal access right based on said operating

terminal identifier included in said instruction information (fig. 5, step 54);

and controlling said plurality of devices based on said operating terminal

access right and said signal instructions relating to said plurality of different

types of devices (fig. 5, steps 58-66). Holmes does not explicitly disclose

the step of accepting registration of terminal information for associating a

unique identifier established for said operating terminal with said operating

terminal access right for accessing the one or more devices. However, this

feature is deemed to be inherent to the Holmes method as lines 1-17 of

column 3 show that the device control server uses stored information to

authenticate and authorize the operating terminal. The Holmes method

would be inoperative if the server did not accept registration of terminal

information for associating a unique identifier established for said operating

terminal with said operating terminal access right. Regarding claim 22,

Holmes teaches that the operating terminal controls said one or more

devices by sending out commands to the one or more devices; the teaching

meets the limitation of the operating terminal directly controlling said one or

more devices with signals transmitted from said terminal.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

6.   Claims 2-3 and 12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Holmes as applied to claims 1 and 11 above, and further

in view of Buffam (6,185,316). Holmes discloses using a challenge-response

scheme based on symmetric-key cryptography between the server and the

terminal (col. 1, lines 50-67). Holmes does not teach using a challenge-

response scheme based on a public-key cryptography. Buffam discloses

using a challenge-response scheme based on a public-key cryptography and

that the public key is part of the identity of an entity and should be made

known to other entities (col. 5, lines 45-54; col. 6, lines 18-29). It would

have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the Holmes method to use a challenge-response

scheme based on a public-key cryptography, as taught by Buffam. The

motivation for doing so would have been that no secret information had to

be shared by the entities involved in the exchange. Accordingly, the server

receives the public key of the terminal as part of the registration

information.

7.   Claims 4-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Holmes as applied to claims 1 and 11 above, and further

in view of Sizer, II et al (6,021,324). Holmes discloses that the server

verifies the terminal's access right when receiving instruction information

from the terminal. Holmes does not disclose that the server is connected to

an external network from which electronic information is acquired and that

the information is stored at the server and then presented. Sizer discloses a

system for controlling appliances within a home including a control server,

the server is connected to an external network from which electronic

information is acquired and that the information is stored at the server and

then presented (col. 2, lines 30-42; col. 6, lines 21-28). It would have been

obvious to one of ordinary skill in the art at the time the invention was made

to modify the Holmes method such that the server is connected to an

external network from which electronic information is acquired and that the

information is stored at the server and then presented, as taught by Sizer.

The motivation for doing so would have been that electronic content could

be downloaded from a cable company for use at the premises. Accordingly,

access to the external server and the electronic information is control by

access right of the terminal.

8.   Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Holmes as applied to claims 1 and 11 above, and further

in view of Muhonen (6,751,472). Holmes does not disclose that the access

right of the operating terminal is determined based on whether the operating

terminal is located inside or outside the house. Muhonen discloses that

different access rights are applied depending on the location of a mobile

terminal whether it is located inside a house (col. 5, lines 33-51). It would

have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the Holmes method such that the access right of the

operating terminal is determined based on whether the operating terminal is

located inside or outside the house, as taught by Muhonen. The motivation

for doing so would have been to extend the capabilities of the operator to

offer different services depending on the location of the subscriber.

9.   Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Holmes as applied to claims 1 and 11 above, and further

in view of Dugan (6,779,030). Holmes discloses authenticating the terminal.

Holmes does not disclose authenticating the user of the terminal. Dugan

discloses authenticating the terminal and authenticating the user of the

terminal using a user's information (col. 67, lines 49-54). It would have

been obvious to one of ordinary skill in the art at the time the invention was

made to modify the Holmes method to also authenticate a user of the

terminal using the user's information, as taught by Dugan. The motivation

for doing so would have been that only authorized users are allowed to

operate the terminal. Accordingly, the server receives the user's registration

information as part of the registration information.

10.   Claims 18 and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Holmes in view of Yatsukawa (6,148,404). Holmes

discloses an operating terminal, in a device control system having a device

control server interconnected over a home network with one or more devices

within the home network, capable of transmitting instruction signals relating

to operations of said one or more devices to said one or more devices (fig.

1, elements 10, 12, 26), comprising: identifier storage means storing a

unique identifier (col. 1, lines 56-58); input acceptance means for accepting

input of instructions relating to operation of said one or more devices (fig. 1,

element 10); instruction information generation means for generating

instruction information based on inputted instructions accepted by said input

acceptance means and on an identifier stored in said identifier storage

means; and instruction information transmission means for transmission of

instruction information generated by said instruction information generation

means (fig. 5, step 52-58). Holmes further discloses using a challenge-

response scheme based on symmetric-key cryptography between the server

and the operating terminal (col. 1, lines 50-67). Holmes does not teach

using a challenge-response scheme based on a public-key cryptography.

Yatsukawa discloses using a challenge-response scheme based on a public-

key cryptography, in which a terminal first registers its identifier and public

key with a server, encrypts a predetermined value with its private key and

sends the encrypted value to the server for authentication (figures 13-14;

col. 20, lines 39-55). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify the Holmes method to

use a challenge-response scheme based on a public-key cryptography, in

which a terminal first registers its identifier and public key with a server,

encrypts a predetermined value with its private key and sends the encrypted

value to the server for authentication, as taught by Yatsukawa. The use of

public-key cryptography is indispensable to satisfy all conditions of a digital

signature (col. 3, line 66 – col. 4, line 11).

11.   Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Holmes in view of Yatsukawa as applied to claim 18 above, and further

in view of Muhonen. Holmes discloses generating instruction information

based on said inputted instruction and said identifier (fig. 5). Holmes does

not disclose using location information. Muhonen discloses that different

services are offered depending on the location of a mobile terminal (col. 5,

lines 33-51). It would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify the Holmes terminal to use its

location information, as taught by Muhonen. The motivation for doing so

would have been to extend the capabilities of the operator to offer different

services depending on the location of the subscriber.

12.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Holmes in view of Yatsukawa as applied to claim 18 above, and further

in view of Dugan. Holmes discloses using the terminal identifier to

authenticate the terminal. Holmes does not disclose using a user's

information to authenticate the user of the terminal. Dugan discloses

authenticating the terminal and authenticating the user of the terminal using

a user's information (col. 67, lines 49-54). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify

the Holmes method to also authenticate a user of the terminal using the

user's information, as taught by Dugan. The motivation for doing so would

have been that only authorized users are allowed to operate the terminal.

13.   Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Holmes as applied to claim 22 above, and further in view of Davidson

("CEBus: A New Standard in Home Automation"). Holmes discloses that one

of the devices is a cooling system (col. 3, lines 24-29). Holmes does not

disclose that the devices include a TV set. Davidson discloses that devices in

a home automation system include a TV set (see CEBUS, pages 40-41; A

CEBus Demonstration, pages 50-51). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the

Holmes system to such that it includes a TV set, as taught by Davidson. The

motivation for doing so would have been to provide remote control of the TV

set together with other household devices using a single standard.
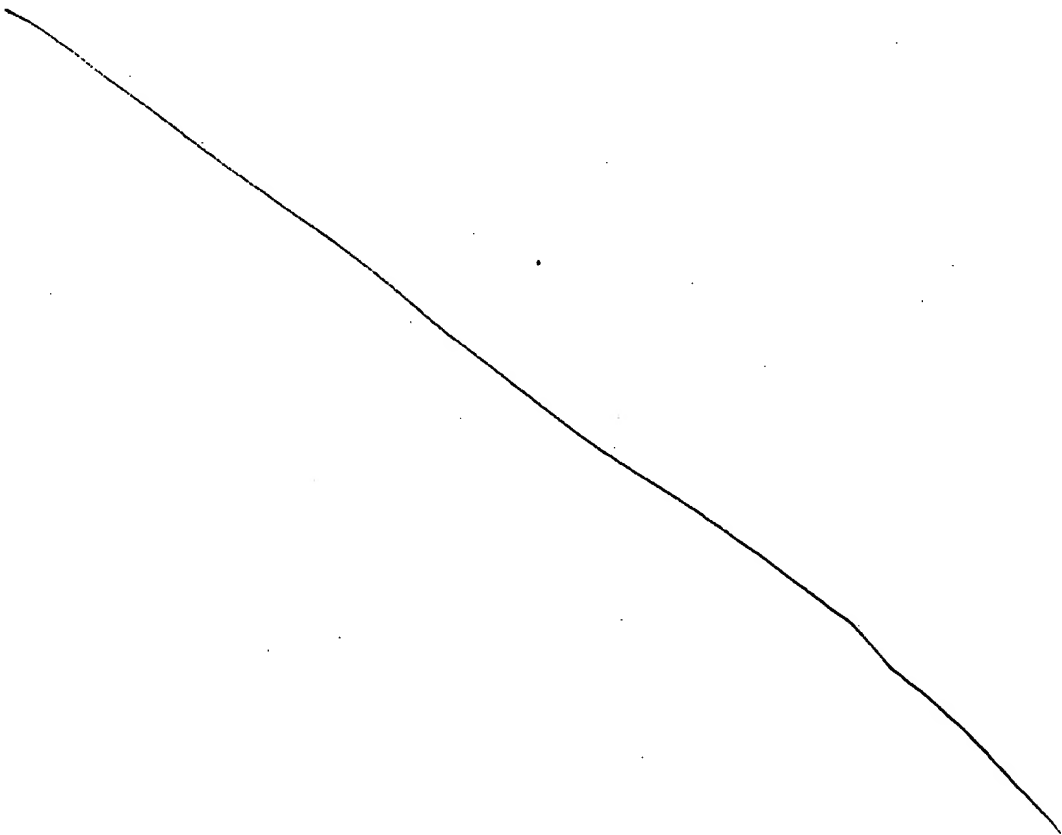

Conclusion

14.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to

expire THREE MONTHS from the mailing date of this action. In the event a

first reply is filed within TWO MONTHS of the mailing date of this final action

and the advisory action is not mailed until after the end of the THREE-

MONTH shortened statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.
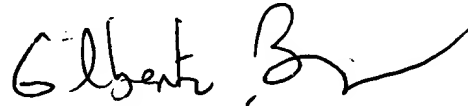
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

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1000.

MD
11/28/06

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